

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LOREN L. LEISER,

Plaintiff,

v.

Case No. 20-cv-0123-bhl

KIRA LABBY, et al.,

Defendants.

NOTICE AND ORDER

Plaintiff Loren L. Leiser, who is representing himself, filed a complaint under 42 U.S.C. §1983. On February 15, 2021, Defendant Darlene Wilkey filed a motion for summary judgment on the ground that Leiser failed to exhaust the available administrative remedies before he filed his lawsuit. Dkt. No. 66. Under Civil L. R. 56(b)(2), Leiser's response materials are due within thirty days of service of the motion, or by **Wednesday, March 17, 2021**. In responding to the motion, Leiser must respond to each of the proposed findings of fact by agreeing with each proposed fact or explaining why he disagrees with a particular proposed fact. If he does not indicate one way or the other, the Court will assume that he agrees with the proposed fact. Leiser must support every disagreement with a proposed fact by citing to evidence. He can do that by relying on documents that he attaches to his response or by telling the Court his version of what happened in an affidavit or an unsworn declaration under 28 U.S.C. §1746.¹ An unsworn declaration is a way for a party to tell his side of the story while declaring to the Court that

¹ At the bottom of his declaration, he should state: "I declare under penalty of perjury that the foregoing is true and correct. Executed on [date]. [Signature]." 28 U.S.C. §1746(2).

everything in the declaration is true and correct. Leiser must also respond to the legal arguments in the brief.

The Court reminds Leiser that, under Civil L. R. 7(d), a party's failure to respond to a motion is sufficient cause for the Court to grant the motion. If Leiser believes he needs additional time to prepare his response materials, he must file a motion asking the Court to extend the deadline *before* his response materials are due. If he files such a motion, he must explain why he needs additional time and how much additional time he needs.

IT IS THEREFORE ORDERED that, if by **March 17, 2021**, Leiser does not respond to the summary judgment motion or does not request additional time to do so, the Court will grant the motion.

Dated at Milwaukee, Wisconsin this 16th day of February, 2021.

BY THE COURT:

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge